

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

**TONIA MASSEY, GREG MASSEY
AND ESSIE TALLEY**

PLAINTIFFS

VERSUS

CIVIL ACTION NO. 2:08CV243-P-S

**DESOTO COUNTY, MISSISSIPPI, DEPUTY
ROBERT WHARTON, INDIVIDUALLY AND
CHAD GAMMONS, INDIVIDUALLY**

DEFENDANTS

ORDER

This cause is before the Court sua sponte for consideration of dismissal with respect to plaintiff Essie Talley's state law claim against defendant Chad Gammons. The Court, having reviewed the record and the applicable law, finds as follows, to-wit:

That the instant claim cannot be said to be "so related to claims in the action within such original jurisdiction that they form part of the same case or controversy under Article III of the United States Constitution." 28 U.S.C. § 1367(a). Accordingly, the Court lacks supplemental jurisdiction to adjudicate Talley's claim. Accordingly, Talley's claim will be dismissed without prejudice to her right to seek relief in an appropriate forum.

IT IS, THEREFORE, ORDERED AND ADJUDGED that plaintiff Essie Talley's state law property damage claim should be, and hereby is, DISMISSED WITHOUT PREJUDICE. IT IS FURTHER ORDERED that Essie Talley should be, and hereby is, DISMISSED as a party plaintiff. IT IS FURTHER ORDERED that defendant Chad Gammons should be, and hereby is, DISMISSED as a party defendant.

SO ORDERED, this the 2nd day of September, 2009.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE